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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,943	10/25/2001	Thomas W. Higgs	5087US (20618-US)	2308

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EXAMINER

NINO, ADOLFO

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,943

Applicant(s)

HIGGS, THOMAS W. *Me*

Examiner

Adolfo Nino

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 47-58 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-32, 41-44 and 59 is/are allowed.
- 6) ☒ Claim(s) 33, 45, 60 and 61 is/are rejected.
- 7) ☒ Claim(s) 34-40 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-46 and 59-61, drawn to strain control device, classified in class 174, subclass 135.
- II. Claims 47-58, drawn to a method of forming a control device, classified in class 29, subclass 854.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the strain control device can be made by another different process other than molding.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Bradley B. Jensen on July 15, 2002 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-46 and 59-61. Affirmation of this election must be made by applicant in replying to this Office action. Claims 47-58 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

The disclosure is objected to because of the following informalities:

Page 15, line 6, "352" should be ---354---.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33, 45, 60 and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayward et al. (US 5,115,260).

Regarding claim 33 (Amended), Hayward et al. disclose a strain control device (10 in fig. 2; col. 2, lines 17-18) comprising: a body (12 in fig. 1; col. 2, lines 19-20) having a first end and a second end (not marked, but clearly seen in figs.); and at least one cavity (24 in figs. 2, 4; col. 2, line 33) formed within a surface of the body between the first end and the second end, the at least one cavity (24) configured to receive at least a portion of a transmission line therein and wherein the at least one cavity defines a deviation path for the at least a portion of the transmission line (col. 1, lines 7-10).

Regarding claim 45 (Amended), Hayward et al. disclose a strain control device (10) comprising; a body (12) having a first grasping member (not marked, but it would be one of the ends of body 12) configured to frictionally engage a first portion of a transmission line (col. 2, lines 45-48) and a second grasping member (not marked, but it would be one of the ends of body 12) configured to frictionally engage a second portion of the transmission line (col. 2, lines 45-48); and at least one cavity (24) defined in the body between the first grasping member and the second grasping member, the at least one cavity (24) being configured to accommodate a third portion of the transmission line therein and defining a deviation path for the third portion of the transmission line (col. 1, lines 7-10).

Regarding claim 60 (Amended), Hayward et al. disclose a strain control device (10) comprising; a body (12) having a first plurality of cavities (24 as marked by Examiner in fig. 6) arranged in a longitudinally extending pattern (fig. 6); and a first plurality of grasping members (as marked by Examiner in fig. 6; col. 2, lines 45-48), wherein at least one grasping member of the first plurality is disposed between each of two adjacent cavities of the first plurality of cavities (fig. 6).

Regarding claim 61 (Amended), Hayward et al. disclose the strain control device (10) of Claim 60, further comprising at least a second plurality of cavities arranged in a longitudinally extending pattern and a second plurality of grasping members, wherein at least one grasping member of the second plurality of grasping members is disposed between each of two adjacent cavities of the second plurality of cavities (fig. 6).

Allowable Subject Matter

OR 7/26/02
Claims 1-³²~~31~~, 41-44 and 59 are allowed.

Claims 34-40 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The primary reason for the indication of the allowability of claims 1-21 is the inclusion therein of the limitation of "a periphery of the at least one cavity being at least partially defined by a first wall and a second opposing wall which laterally deviates from the first wall" in combination with the other claim limitations. This limitation is not disclosed nor taught by the prior art, alone or in combination.

The primary reason for the indication of the allowability of claims 22-32 is the inclusion therein of the limitation of "each of the at least a first plurality of cavities having a periphery which is at least partially defined by a first wall and a second opposing wall which deviates from the first wall" in combination with the other claim limitations. This limitation is not disclosed nor taught by the prior art, alone or in combination.

The primary reason for the indication of the allowability of claims 41-44 is the inclusion therein of the limitation of "a periphery of the at least one cavity being at least partially defined by a first substantially linear wall and a second opposing wall which deviates from the first substantially linear wall" in combination with the other claim limitations. This limitation is not disclosed nor taught by the prior art, alone or in combination.

The primary reason for the indication of the allowability of claim 59 is the inclusion therein of the limitation of "the at least one cavity having a periphery defined at least partially by a first wall and a second opposing wall which deviates laterally from the first wall" in combination with the other claim limitations. This limitation is not disclosed nor taught by the prior art, alone or in combination.

The following is a statement of reasons for the indication of allowable subject matter: With respect to claims 34-40, the prior art, alone or in combination, does not disclose nor teach the limitation therein of "wherein the at least one cavity is at least partially defined by a first substantially linear boundary and a second opposing boundary which deviates from the first substantially linear boundary" in combination with the other claim limitations.

With respect to claim 46, the prior art, alone or in combination, does not disclose nor teach the limitation therein of "wherein the at least one cavity is at least partially defined by a first substantially linear wall and a second opposing wall which deviates from the first substantially linear wall" in combination with the other claim limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jenkins (US 4,911,510) discloses a corner guide. Craft (US 6,184,474 B1) discloses a device for managing wire and cable for electronic systems. Takiguchi et al. (US 6,268,566 B1) disclose an electric wire holder. Kujawski (US 5,703,330) discloses a wire harness conduit and tube bundle. Rocher (US 3,391,432) discloses a clasp for electrical conductors. Martin (US 5,095,822) discloses a cable crossover device. Biles et al. (US 6,049,040) disclose an universal cable guide.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolfo Nino whose telephone number is (703) 305-1071. The examiner can normally be reached on M-F (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on (703) 308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AN
July 25, 2002

Dean A. Reichard 7/26/02
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